

Message Text

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ACTION EUR-12

INFO OCT-01 EA-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-14
L-03 NSAE-00 NSC-05 EB-08 NRC-07 OES-07 SOE-02
DODE-00 DOE-15 SS-15 SP-02 CEQ-01 AID-05 CEA-01
COME-00 H-02 INT-05 OMB-01 PM-05 USIA-15 STR-07
TRSE-00 PA-02 /169 W
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P R 221713Z MAR 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC PRIORITY 4451
INFO AMEMBASSY BRUSSELS
AMEMBASSY PARIS
AMEMBASSY TOKYO
AMEMBASSY VIENNA

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USEEC
USOECN ALSO FOR EMBASSY
USIAEA

E.O. 11652: N/A
TAGS: ENRG, TECH, UK
SUBJECT: WINDSCALE IN THE PRESS ON THE EVE OF THE
DEBATE

REF: LONDON 4476

1. AN ARTICLE IN TODAY'S GUARDIAN ENTITLED "US DENIES
NUCLEAR POLICY CHANGE" READS AS FOLLOWS:

BEGIN TEXT: CLAIMS BY BRITISH NUCLEAR FUELS LTD THAT
THE AMERICAN GOVERNMENT HAS TACITLY SUPPORTED THE PARKER
REPORT ON THE EXPANSION OF THE WINDSCALE REPROCESSING
PLANT BY ALLOWING FURTHER SHIPMENTS OF SPENT FUEL TO THE
PLANT FROM BNFL'S FOREIGN CUSTOMERS WERE DENIED LAST
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NIGHT BY THE US STATE DEPARTMENT IN WASHINGTON.

BNFL SAID ON MONDAY THAT THE SANCTIONING OF THREE
SHIPMENTS OF AMERICAN-MANUFACTURED SPENT FUEL FROM SPAIN
TO BRITAIN SUGGESTED THAT THE CARTER ADMINISTRATION
VINDICATED ITS CLAIMS AT THE WINDSCALE PUBLIC INQUIRY
THAT EXPANSION OF THE REPROCESSING FACILITIES WAS NOT

GOING AGAINST US ANTI-PROLIFERATION MOVES.

HOWEVER, THE STATE DEPARTMENT EMPHASIZED YESTERDAY THAT THE TIMING OF THE THREE APPROVAL NOTICES WAS "COMPLETELY ACCIDENTAL." THE APPLICATIONS FROM SPAIN -- PLUS A FOURTH FROM SWITZERLAND ASKING PERMISSION TO SEND SPENT FUEL TO THE FRENCH REPROCESSING PLANT, ALSO GRANTED -- HAD BEEN UNDER CONSIDERATION SINCE THE END OF THE YEAR, LONG BEFORE MR. JUSTICE PARKER COMPLETED HIS REPORT. "OUR POLICY REMAINS THAT EACH CASE WILL BE CONSIDERED ON ITS MERITS," SAID A SPOKESMAN.

THE BNFL CLAIMS WERE STRONGLY CRITICISED BY FRIENDS OF THE EARTH, ONE OF THE TWO MAIN OBJECTORS TO THE EXPANSION PLAN AT THE INQUIRY. "SUCH A MISREPRESENTATION OF US POLICY -- PARTICULARLY ON THE EVE OF THE PARLIAMENTARY DEBATE ON THE REPORT -- IS DISGRACEFUL," SAID MR. CZECH CONROY, FOE'S ENERGY COORDINATOR.

TODAY'S DEBATE IN THE COMMONS IS ALSO EXPECTED TO RAISE THE CLAIMS BY THE DAILY MIRROR YESTERDAY THAT REPROCESSED FUEL FROM WINDSCALE COULD HELP JAPAN TO BUILD ITS OWN NUCLEAR WEAPONS. THIS WAS DISMISSED BY BNFL'S MANAGING DIRECTOR, MR. CON ALLDAY, WHO POINTED OUT THAT JAPAN ALREADY HAD ITS OWN REPROCESSING PLANT.
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2. THE TIMES, IN AN ARTICLE ENTITLED "US POLICY ON SPENT NUCLEAR FUEL 'NOT NEW'" STATES (IN PART):

BEGIN TEXT: THE APPROVAL BY THE UNITED STATES GOVERNMENT FOR THREE NEW SHIPMENTS OF SPENT URANIUM OXIDE FUEL TO BE DELIVERED TO THE WINDSCALE PLANT, IN CUMBRIA, FOR REPROCESSING DREW A CAUTIOUS RESPONSE FROM BRITISH NUCLEAR FUELS LTD (BNFL) YESTERDAY.

THE COMPANY AND ITS OPPONENTS MADE CLEAR THAT THE CARTER ADMINISTRATION'S DECISION, WHICH CAME ONLY A FEW DAYS AFTER THE PUBLICATION OF THE PARKER REPORT INTO BNFL'S PLANS TO BUILD A NEW REPROCESSING PLANT AT WINDSCALE, DOES NOT REPRESENT AN UNEXPECTED WINDFALL FOR SUPPORTERS OF THE PLANS IN TODAY'S COMMONS DEBATE.

DR. DONALD AVERY, DEPUTY MANAGING DIRECTOR OF BNFL, REJECTED THE IDEA THAT THE APPROVAL SIGNIFIED A SOFTENING OF THE UNITED STATES ATTITUDE TO NUCLEAR NON-PROLIFERATION. THE SHIPMENTS FORMED PART OF EXISTING CONTRACTS AND HAD BEEN SCRUTINIZED BY THE AMERICAN

GOVERNMENT IN ACCORDANCE WITH LONG-ESTABLISHED PROCEDURE.

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MR. DAVID HALL, DIRECTOR OF THE TOWN AND COUNTRY
PLANNING ASSOCIATION, ONE OF THE PRINCIPAL OBJECTORS
AT LAST YEAR'S INQUIRY, SAID IT WAS MISLEADING TO RE-
GARD THE RECENT APPROVALS AS A FRESH DEPARTURE IN UNITED
STATES POLICY. END TEXT

3. ON THE SAME ISSUE OF U. . POLICY, THE GUARDIAN RUNS
THE FOLLOWING LETTER FROM A JUDY WOLFE OF LONDON:

BEGIN TEXT: CHARLES COOK'S FRONT-PAGE ARTICLE ("US
WASTE SHIPPED TO WINDSCALE," MARCH)1) SEEMS MISLEADING.

SINCE SOON AFTER PRESIDENT CARTER'S ANNOUNCEMENT
OF US POLICY A YEAR AGO IT HAS ALWAYS BEEN CLEAR THAT
PERMISSION WOULD BE GIVEN FOR SOME BATCHES OF US-SUPPLIED
FUEL TO BE REPROCESSED AT WINDSCALE AND ELSEWHERE WHEN
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CLEAR NEED (SUCH AS THE CONGESTION OF SPENT FUEL STORAGE FACILITIES) WAS DEMONSTRATED. BUT IT HAS BEEN MADE EQUALLY CLEAR THAT THESE WOULD ONLY BE GIVEN ON A CASE-BY-CASE BASIS AND THAT ALLOWING LONG-TERM COMMITMENTS, SUCH AS THAT BETWEEN BRITISH NUCLEAR FUELS LTD, AND JAPAN ON WHICH THE WINDSCALE EXPANSION PLANS ARE BASED, ARE QUITE A DIFFERENT MATTER.

THIS POLICY HAS NOT CHANGED. IT WAS REITERATED RECENTLY IN A LETTER FROM DR. JOSEPH NYE, WHO IS IN CHARGE OF NON-PROLIFERATION POLICY AT THE STATE DEPARTMENT, TO MR. PATRICK MOBERLEY OF THE FOREIGN OFFICE. THIS SAID THAT THE US COULD GIVE NO ASSURANCE THAT BNFL COULD COUNT ON PERMISSION "AS A MATTER OF COURSE FOR FEED FOR A NEW PLANT OR IN SUPPORT OF LONG-TERM RE-PROCESSING COMMITMENTS IT MAY ENTER INTO." END TEXT

4. ANOTHER ASPECT IS DEALT WITH IN A GUARDIAN ARTICLE ENTITLED "PARKER 'WRONG IN LAW ON WINDSCALE'":

BEGIN TEXT: MR. JUSTICE PRKER WAS WRONG IN INTERNATIONAL LAW TO SAY IN HIS WINDSCALE REPORT THAT IF BRITAIN DID NOT REPROCESS FOREIGN NUCLEAR FUEL, IT WOULD BE IN BREACH OF THE NONGAPROLIFERATION TREATY, AN INTERNATIONAL LAW SPECIALIST CLAIMED YESTERDAY. ON THE EVE OF TODAY'S WINDSCALE DEBATE IN THE COMMONS, PROFESSOR JAMES FAWCETT, PROFESSOR IN INTERNATIONAL LAW AT KING'S COLLEGE, LONDON, SAID THERE WAS A STRONG ARGUMENT FOR SAYING THAT THE INQUIRY INSPECTOR HAD GOT THE OBJECTIVES OF THE TREATY THE WRONG WAY ROUND.

THIS WAS IMMEDIATELY TAKEN BY THE FRIENDS OF THE EARTH TO BE CRUCIAL TO THE DEBATE, BECAUSE MR. JUSTICE
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PARKER HIMSELF HAD SAID THE ONE SUBSTANTIAL OBJECTION TO EXPANDING THE PLANT FOR FOREIGN REPROCESSING WAS THAT THE SEPARATION OF PLUTONIUM AND ITS SUPPLY TO NON-NUCLEAR WEAPON STATES WOULD PUT THEM NEARER THE BOMB.

PROFESSOR FAWCETT, WHO IS PRESIDENT OF THE EUROPEAN COMMISSION OF HUMAN RIGHTS, SAID THE TREATY HAD TWO OBJECTIVES -- THE FIRST BEING THE EXCHANGE OF TECHNOLOGY, MATERIALS, AND SCIENTIFIC INFORMATION FOR PEACEFUL PURPOSES, AND THE SECOND SAFEGUARDING THE NUCLEAR FLOW TO PREVENT THE PROLIFERATION OF NUCLEAR

WEAPONS.

ACCORDING TO THE PROFESSOR, MR. JUSTICE PARKER HAD
TENDE TO LOOK AT THE TREATY AS IF THE MAIN OBJECTIVE
WAS THE FIRST. SAFEGUARDING THE NUCLEAR FLOW TO PRE-
VENT PROLIFERATION WAS APPARENTLY SUBSIDIARY. BUT
PROFESSOR FAWCETT SAID IT WAS JUST THE OPPOSITE. HE
BELIEVES THE PRIME PURPOSE OF THE TREATY WAS NON-
PROLIFERATION OF NUCLEAR WEAPONS. END TEXT

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